

any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

(Mar. 4, 1923, ch. 283, §2, as added July 25, 1956, ch. 721, §3(a), 70 Stat. 640.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b of this title.

§ 123. Powers and duties as to memorials

The Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the services of the American Armed Forces, and shall erect and maintain memorials in the United States and at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. The Commission shall also erect and maintain works of architecture and art in such American cemeteries located outside of the United States, its Territories, and possessions, as have been or may hereafter be declared to be permanent cemeteries. Works of architecture and art erected by the Commission in cemeteries within the United States, its Territories and possessions, shall be maintained by the Department of Defense.

The Commission shall control as to materials and design and provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside the United States, its Territories, and possessions.

The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

(Mar. 4, 1923, ch. 283, §3, formerly §2, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §3 and amended July 25, 1956, ch. 721, §§2(b), 3(b), 70 Stat. 640, 641.)

AMENDMENTS

1956—Act July 25, 1956, §3(b), amended section generally, requiring maintenance of works of architecture and art by the Department of Defense and striking out provisions which gave the Commission control over memorial monuments and buildings upon federally owned or controlled property in the United States or in its Territories and possessions, except national cemeteries.

1946—Act June 26, 1946, extended authority and field of operations of Commission to cover all battlefields and cemeteries throughout the world.

TRANSFER OF FUNCTIONS

Functions of War Department [now Department of the Army] pertaining to national cemeteries and memorials located in foreign countries transferred to American Battle Monuments Commission by Ex. Ord. No. 6614, Feb. 26, 1934. Ex. Ord. No. 6690, Apr. 25, 1934, provided that Ex. Ord. No. 6614 should become effective May 21, 1934.

Transfer of administration of national monuments to National Park Service, see Ex. Ord. No. 6166, §2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

SURRENDER TREE SITE IN SANTIAGO, CUBA

Pub. L. 85-125, Aug. 13, 1957, 71 Stat. 344, provided: "That the American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba. This Act takes effect on the next July 1, after the date of its enactment [Aug. 13, 1957]."

CROSS REFERENCES

National and international monuments and memorials generally, see section 431 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 122b, 125, 127, 128, 138a, 138b of this title.

§ 124. Approval of designs for memorials

Before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

(Mar. 4, 1923, ch. 283, §4, formerly §3, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §4 and amended July 25, 1956, ch. 721, §§2(b), 3(c), 70 Stat. 640, 641.)

AMENDMENTS

1956—Act July 25, 1956, §3(c), amended section generally, striking out provisions which required prior approval of materials for memorials.

1946—Act June 26, 1946, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b, 1381e of this title.

§ 125. Erection of war memorials

(a) Cooperation with States, etc.

The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

(b) Control, administration, and maintenance of war memorials by Commission

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under